

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RONALD E. PROCTOR, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 04-1441-JJF
	)	
C/O BOSTON, C/O WATSON,	)	
SGT. WASHINGTON, MAJOR	)	
CUNNINGHAM, and DR. JOHN DOE,	)	
	)	
Defendants.	)	

**ORDER DENYING MOTION FOR RECONSIDERATION**

WHEREAS, the plaintiff is a prisoner incarcerated at the Delaware Correctional Center in Smyrna, Delaware, and on November 10, 2004, the plaintiff filed a complaint under 42 U.S.C. § 1983 (D.I. 1);

WHEREAS, on November 22, 2004, the plaintiff filed a motion to proceed in forma pauperis under 28 U.S.C. § 1915 (D.I. 5);

WHEREAS, on March 3, 2005, the Court entered an order denying leave to proceed in forma pauperis because the plaintiff has had six prior suits dismissed as frivolous, malicious or for failure to state a claim upon which relief may be granted and the instant complaint does not allege an imminent threat of physical injury (D.I. 8);

WHEREAS, the Court ordered the plaintiff to pay the \$150 filing fee within thirty (30) days from the date the order

was sent or the case would be dismissed;

WHEREAS, on April 25, 2005, the Court dismissed the complaint without prejudice because the plaintiff failed to pay the required filing fee within the time prescribed (D.I. 12);

WHEREAS, on May 10, 2005, the Court received the plaintiff's letter motion for reconsideration (D.I. 13);

WHEREAS, the plaintiff alleges he is "in imminent danger of serious mental harm and physical injury" (Id.);

WHEREAS, the plaintiff alleges that the incidents in the complaint occurred in November 2002 (D.I. 11);

WHEREAS, the plaintiff fails to allege sufficient facts to support his claim that he was in imminent danger of physical injury or death at the time he filed the complaint in November 2004, see Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir. 2001);

THEREFORE, at Wilmington this 31 day of May, 2005, IT IS ORDERED that the plaintiff's request is DENIED. The plaintiff shall pay the filing fee of \$150.00 within thirty (30) days from the date this order is sent. If the plaintiff fails to pay the \$150.00 in the time provided, then the Court shall dismiss the action without prejudice.

  
United States District Judge